THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24621 OF 2005

Dt.18.11.2005

Between:

Smt.Mallamma and others … Petitioners

And

The Special Officer & Competent Authority,

Urban Land Ceiling, Hyderabad. … Respondent

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government for Land Ceiling.

The petitioner submits that one Pochaiah filed declaration in C.C.No.14 of 1977 on the file of the respondent herein and pursuant to the enquiry report 29.11.1993 orders have been passed declaring that the declarant is not title holder of the property, in question, vide proceedings dated 20.5.1995. Thereafter, the petitioners filed W.P.No.20051 of 2004 stating that no notice has been given to them as legal heirs of the said Pochaiah under Section 8 of the Urban Land (Ceiling and Regulation) Act, 1976 and having regard to the facts and circumstances of the case the respondent herein is directed to dispose of the declaration said to have been filed by late Pochaiah – husband of the first petitioner and father of other petitioners in the said C.C.No.14 of 1977, if not already disposed of,

and pass final orders thereon. Pursuant to the said order, the respondent disposed of the said declaration by the impugned proceedings dated 17.10.2005 stating that as per the records the said land was recorded as Kancha Sarkari, which is in occupation by the Central Government and other Government organizations, and therefore the declarant is not the title holder of the property. It is also stated that the impugned order has been passed based on the enquiry report dated 29.11.1993. But the said enquiry report has not been furnished to the petitioners. The grievance of the petitioners is only to furnish the copy of the said enquiry report.

Admittedly, against the impugned order dated 17.10.2005, appeal is provided before the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

Having regard to the facts and circumstances of the case, the respondent is directed to furnish a copy of the said enquiry report dated 29.11.1993 on payment of usual charges in favour of the petitioners within ten days from the date of receipt of a copy of this order, so as to enable them to file an appeal against the impugned order before the appellate authority.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

18.11.2005

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